

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

6 TRACY N. BAZE,)
7 Plaintiff,) No. CV-10-418-JPH
8 v.) ORDER GRANTING STIPULATED
9 MICHAEL J. ASTRUE,) MOTION FOR REMAND
10 Commissioner of Social) (ECF No. 16)
11 Security,)
12 Defendant.)

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**ECF No. 16**) pursuant to sentence four. Maureen J. Rosette represents plaintiff. Special Assistant United States Attorney Thomas M. Elsberry represents defendant. The parties have consented to proceed before a magistrate judge (ECF No. 4).

After considering the stipulated motion (ECF No. 16),
IT IS ORDERED that the **motion is GRANTED**. The **case is REVERSED** and
REMANDED pursuant to sentence four of 42 U.S.C. § 405(g) for
further administrative proceedings, including:

The ALJ will:

1. update the medical records, obtain a consultative mental status evaluation and evidence from a medical expert to address the nature, severity, and limiting effects of plaintiff's impairments in light of the updated record;

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1 2. further consider all opinion evidence, including the
2 opinions of Drs. Griffin and Pollack, and explain the weight
3 given; and

4 3. further consider whether plaintiff's past work activity
5 constituted "past relevant work" as defined by the regulations,
6 particularly since the ALJ found such work performed after onset
7 was performed at levels less than "substantial gainful activity."

8 Because this remand is pursuant to sentence four with a
9 remand to the Commissioner for further proceedings (see *Melkonyan*
10 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to
11 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412
12 (d), upon proper request to this Court.

13 **IT IS FURTHER ORDERED:**

14 1. The parties' stipulated motion for an order of remand
15 pursuant to sentence four (ECF No. 16) is **GRANTED**.

16 2. Judgment shall be entered for **PLAINTIFF**.

17 3. An application for attorney fees and costs may be filed by
18 separate motion.

19 4. The District Court Executive is directed to enter this
20 Order, enter judgment for plaintiff, forward copies to counsel,
21 and **CLOSE** the file.

22 **IT IS SO ORDERED.**

23 **DATED** this 20th day of October, 2011.

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s/James P. Hutton
JAMES P. HUTTON
UNITED STATES MAGISTRATE JUDGE

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